



Deschutes County Community Development

Planning Division

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VARIANCE PROCEDURE

FACTS TO KNOW:

- **DEFINITION:** A variance is a procedure that authorizes a departure from the specified requirements of the zoning ordinance. Variances fall into two (2) categories:
 - a. Area Variance - allows for a departure of one or more dimensional requirements of the ordinance (e.g., setbacks, minimum lot size).
 - b. Use Variance - permits a use of land other than that allowed by the zoning ordinance or other applicable ordinances.
- An application for a variance may be reviewed administratively or be referred to a public hearing.
- Generally, a variance application can be processed within the following timeframes:
 - Administrative review - approximately 6-8 weeks.
 - Public hearing - approximately 12-16 weeks.
 - Both types of review require a 12-day appeal period following issuance of a written decision.
 - Notice of an application for a variance is sent to owners of property within a specified distance from the subject property, is posted on the subject property, and is published in the Bulletin, if a hearing is held.
 - A variance is valid for a period of two (2) years after the date of approval. Permits may be extended under certain circumstances.

APPLICATION:

It is generally a good idea to discuss your proposal with a member of the Planning Division staff prior to submitting an application. The applicant must submit the following:

- ✓ A completed application form, including a brief description of the proposal, signed by the owner of the property;
- ✓ A site plan, including one 8.5 x 11 inch copy;
- ✓ A burden of proof statement which addresses in detail the applicable variance criteria; and
- ✓ The correct filing fee.

SITE PLAN

A site plan is required so that a full and accurate evaluation of your proposal can be made by the Planning Division staff. Inquire at the Planning Division office to determine what information is required on a site plan for your application.

HEARINGS PROCEDURE

- The hearing date is determined and scheduled.
- Notice is mailed at least twenty (20) days prior to the hearing.
- Staff report is completed at least seven (7) days prior to the hearing.
- A sign must be posted on the subject property at least ten (10) days prior to the hearing.
- Decision of the Hearings Body is final unless appealed (to the Board of Commissioners, or if beyond the County, to the Land Use Board of Appeals).

CRITERIA FOR REVIEWING A VARIANCE

Before the Planning staff or Hearings Body can evaluate a variance request, the applicant must prove that all of the following criteria are met:

- **Area Variance:**

1. That the literal application of the Ordinance would create practical difficulties resulting in greater private expense than public benefit;
2. That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site;
3. That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restrictions at the time the site was purchased; and
4. That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

- **Use Variance:**

1. That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance; and
2. Criteria 1, 2 and 4 for Area Variances also are satisfied.

This information is intended to answer some of your general questions concerning your application. If you require further assistance, please call the Planning Division at (541) 388-6575 or come to the Community Development Building at 117 N.W. Lafayette Avenue, Bend, Oregon 97701.